

THE CITY OF NEW YORK
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July 16, 2008

By Facsimile Transmission:
212-805-0426

Honorable Laura Taylor Swain
United States District Judge
United States Courthouse
500 Pearl Street
New York, New York

MEMO ENDORSED

Re: *Ognibene v. Schwarz*
08 CV 1335 (LTS)

Dear Judge Swain:

I am writing on behalf of the defendants in the above-referenced action to request a two-week enlargement of defendants' time to respond to plaintiffs' motion for injunctive relief, from Monday, July 21, 2008 to Monday, August 4th. While this might be considered the second request for an enlargement of time by defendants on this motion, it is, in fact, only the first since the Court adjusted the schedule to permit defendants to take the depositions of the eleven declarants whose declarations accompanied plaintiffs' motion. It was defendants' need to take those depositions that occasioned the first request, over plaintiffs' objection.

In order to respond to plaintiffs' claims, defendants must develop a complete legal and factual record – particularly as the Court has consolidated plaintiffs' preliminary injunction motion with a hearing on the merits, pursuant to Fed.R.Civ.P. 65(a)(2). The development of that record has required a significant amount of time and effort.

I conveyed our request to plaintiffs' counsel yesterday morning and was informed this morning that they opposed the request. We nonetheless ask the Court for this courtesy, noting the importance and complexity of the issues raised in the case, the consequences attending a merits-based decision of this Court, and the relatively small additional time requested.

Thank you for your consideration of this request.

Very truly yours,




Jonathan Pines
Assistant Corporation Counsel

Copies (by fax) to:

Joe La Rue – 812-235-3685
Charles Capetanakis – 212-286-1884
Counsel for Plaintiffs

*The request is granted. No
further extensions.*

SO ORDERED.

 7/16/08

LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE